

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

LAVOY L. STEVENSON,

Plaintiff,

vs.

CORRECTIONAL HEALTHCARE
MANAGEMENT et al.,

Defendants.

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No. CIV-06-1273-W

FILED
JUN 11 2007
ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY KE DEPUTY

ORDER

On December 14, 2003, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation and recommended that the complaint filed in this matter by plaintiff Lavoy L. Stevenson be dismissed without prejudice. Stevenson was advised of his right to object, and the matter came before the Court on Stevenson's Objection to the Report and Recommendation.

The Court declined to adopt the Report and Recommendation, sua sponte granted Stevenson until January 19, 2007, to cure the deficiencies as directed by Magistrate Judge Argo in his Order filed on November 20, 2006, and advised Stevenson that his failure to cure the deficiencies by that date, absent good cause, would result in dismissal of this matter without prejudice to refiling.

On January 16 and 19, 2007, the Court received letters from Stevenson, wherein Stevenson outlined certain steps he had purportedly taken to comply with the Orders of this Court and Magistrate Judge Argo, and he requested an extension of time.

The Court on January 19, 2007, granted Stevenson until February 2, 2007, to cure the deficiencies as directed by Magistrate Judge Argo, and advised Stevenson that if all

deficiencies were not cured, and full compliance with all Orders was not accomplished by that date, this action would be dismissed without prejudice to refiling.

On January 26, 2007, the Court received another letter from Stevenson and on January 31, 2007, a Motion for Leave to Proceed in Forma Pauperis and supporting affidavit. Because it appeared that Stevenson had attempted to cure the deficiencies noted by Magistrate Judge Argo, the Court on February 6, 2007, re-referred the matter to Magistrate Judge Argo for review and a determination of whether all deficiencies had indeed been cured.


On February 13, 2007, Magistrate Judge Argo found that although Stevenson was entitled to proceed without full prepayment of the filing fee, he was required to pay an initial partial filing fee of \$18.00 on or before March 5, 2007. Stevenson was advised that if he failed to do so or failed to show cause in writing for his failure to pay, this action was subject to dismissal without prejudice to refiling. The deadline was extended on three separate occasions. The most recent extension was at Stevenson's request, and he was directed to pay the initial partial filing fee on or before May 1, 2007.

The matter now comes before the Court on Magistrate Judge Argo's Report and Recommendation wherein he has recommended that this matter be dismissed because Stevenson has failed to pay the initial partial filing fee within the time allotted or shown good cause for his failure to pay. Stevenson was advised of his right to object to the Report and Recommendation, but he has not done so.

Because Stevenson has had ample opportunity to comply with the Orders of this Court and Magistrate Judge Argo, the Court concurs with Magistrate Judge Argo's suggested disposition of this matter. Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on May 17, 2007; and
- (2) DISMISSES this matter without prejudice to refiling.

ENTERED this 11th day of June, 2007.


LEE R. WEST
UNITED STATES DISTRICT JUDGE